

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 05 2007

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PACKWARD KALEILANI TOELUPE,
aka Pupi,

Defendant - Appellant.

No. 06-10356

D.C. No. CR-01-00382-REJ

District of Hawaii,
Honolulu

ORDER

RECEIVED
CLERK, U.S. DISTRICT COURT

DEC 07 2007

DISTRICT OF HAWAII

Before: HUG, BRUNETTI, and W. FLETCHER, Circuit Judges.

Judge W. Fletcher has voted to deny appellant's petition for rehearing en banc. Judge Hug and Judge Brunetti have voted to recommend denial of the petition for rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc.

Fed. R. App. P. 35(b).

The petition for rehearing en banc is DENIED.